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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Administration of the) CC Docket No. 92-237
North American Numbering Plan)
Carrier Identification Codes (CICs))

COMMENTS

BellSouth Corporation,¹ on behalf of itself and its affiliated companies, by counsel, files its comments to the Public Notice released in this docket on March 26, 1998, regarding the standard intercept message to be offered by local exchange carriers (LECs).²

INTRODUCTION

On October 22, 1997, the Commission released an Order on Reconsideration directing all local exchange carriers to offer a standard intercept message to inform callers that a dialing pattern change has occurred as a result of the expansion from three to four-digit CICs and to instruct the caller to contact its interexchange carrier for further information.³ The

¹ BellSouth Corporation (BSC) is a publicly traded Georgia corporation that holds the stock of companies which offer local telephone service, provide advertising and publishing services, market and maintain stand-alone and fully integrated communications systems, and provide mobile communications and other network services world-wide.

² *Commission Seeks Comment on Requests for Commission Action Filed by MCI Telecommunications Corporation and VarTec Telecom, Inc. Concerning Carrier Identification Codes*, CC Docket 92-237, Public Notice, DA 98-581 (released March 26, 1998). As to MCI's other meritless, untimely, and procedurally inappropriate requests, the Public Notice advised that other issues raised by MCI and VarTec regarding the transition from three to four-digit CICs will be addressed in a separate proceeding. *Id.* at 1.

³ *Administration of the North American Numbering Plan, Carrier Identification Codes (CICs)*, 12 FCC Rcd 17876, 17892 (1997) ("Reconsideration Order").

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Reconsideration Order directed all LECs and interexchange carriers (IXCs) to reach an agreement on the content of the message and on the period of time during which the message will be provided. The Commission left to the parties the responsibility of resolving who should have ultimate responsibility for determining the content of the intercept message and the period of time the message must be offered.⁴ Subsequently, the Network Interconnection and Interoperability Forum (NIIF) achieved a consensus on the following intercept message which was to be used in conjunction with Special Information Tones (SITs):⁵

“Your call cannot be completed as dialed. If you dialed a 5-digit code, it has changed. Please redial adding a one and a zero before the 5-digit code, or for assistance contact the carrier you are trying to use.”⁶

MCI and VarTec filed *ex parte* letters with the Commission concerning the standard intercept message which notifies carriers that their three-digit CIC call cannot be completed as dialed.⁷ MCI objects to the standard intercept message developed by the NIIF and requests the Commission order the removal of “extraneous and unnecessary language” from the NIIF intercept message.⁸ MCI alleges that the application of SITs would be “devastating” to services

⁴ *Id.*

⁵ Special Information Tones are tones used by carriers in their switches in conjunction with recorded announcements.

⁶ MCI Letter at 3.

⁷ *Ex Parte* Letter from Jonathan E. Sallet, Chief Policy Counsel, MCI, to Richard Metzger, Chief, Common Carrier Bureau (filed March 17, 1998) (“*MCI Letter*”); *Ex Parte* Letter from James U. Troup, Attorney, Arter & Hadden (Counsel for VarTec), to Geraldine Matise, Chief, Network Services Division, Common Carrier Bureau (filed March 23, 1998) (“*VarTec Letter*”).

⁸ MCI Letter at 4-5. MCI claims the inclusion of the language “your call cannot be completed as dialed” in the standard intercept message discourages callers at the outset of the call and imposes anti-competitive hardship on IXCs. *Id.*

provided by IXCs and requests the Commission order that LECs provide the standard intercept message without SITs.⁹

In a similar ex parte letter filed on March 23, 1998, VarTec claims that some LECs are refusing to deploy the NIIF standard intercept message and requests the Commission take action to ensure that all LECs deploy the standard intercept message that was developed by the NIIF.¹⁰ Furthermore, VarTec alleges that the use of SITs will cause harm to IXCs and requests the Commission order SITs not be used.¹¹ BellSouth addresses MCI and VarTec's misconceived notions in the following comments.

THERE IS NO "IMPASSE" FOR THE COMMISSION TO RESOLVE

MCI requests the Commission to resolve an alleged "impasse" by ordering "the removal from the intercept recording of the extraneous and unnecessary language" of the first sentence of the standard intercept greeting, and to "further order that SITs cannot be used."¹² There is no "impasse" to resolve because the NIIF has reached consensus at the FCC's request over the content of the standard intercept message to be used at the end of the three-digit/four-digit CIC permissive dialing period. This consensus included the eminently simple, reasonable, understandable and accurate information that a caller who attempts to place a call using a three-

⁹ MCI alleges that their internal research shows that a high number of callers typically hang up immediately upon hearing a SIT. MCI Letter at 4-5.

¹⁰ VarTec Letter at 3-5.

¹¹ VarTec Letter at 2.

¹² MCI Letter at 5.

digit CIC after four-digit CIC dialing becomes mandatory will hear: “your call cannot be completed as dialed.”¹³

The “merits” of MCI’s underlying position aside, it is scandalous that MCI, as an active participant in the NIIF that reached consensus on this matter, should take its minority position to the FCC with the claim that the industry is at an “impasse” when the truth is that industry consensus was in fact reached.¹⁴ Other IXCs, including AT&T and Sprint, participated in and were present when industry consensus was reached on the intercept announcement at the NIIF. An MCI contribution proposing that the first sentence be dropped was discussed and considered by the NIIF participants before the NIIF participants accepted the announcement wording. MCI and VarTec were the only parties who opposed the industry consensus to the standard intercept announcement with the current first sentence included. Therefore, the issue was accepted for final closure. While LECs present at the NIIF did vote to approve the announcement, so did all other industry segments and participants, with the exception of MCI and VarTec.

¹³ Regarding the deployment issued raised in the VarTec Letter, BellSouth has already taken steps to implement the standard intercept message developed by the NIIF.

¹⁴ BellSouth, in response to the Commission’s Second Further Notice of Proposed Rulemaking in this proceeding, recently filed comments in which it continued to advocate a minority position to a NANC CIC Ad Hoc Working Group Report regarding whether the limit on CICs should apply to CICs acquired through mergers and acquisitions. BellSouth Comments at 3 (filed March 6, 1998). This is one of many items considered by the NANC CIC Ad Hoc Working Group, and the only one that BellSouth could not join with other members of the group in consensus. Unlike the MCI Letter, BellSouth candidly acknowledged its position as a minority position, never characterized the NANC working group as being at “impasse,” and filed its comments in a timely response to a specific issue contained in a Notice of Proposed Rulemaking. The MCI Letter, among other things, constitutes an untimely attempt to seek an agency reversal of the NIIF’s consensus on a single item that is not included in an open Notice of Proposed Rulemaking.

This is the first time MCI has raised these specific concerns about the first sentence of the standard intercept or about the use of SITs. Throughout the NIIF's discussions and deliberations on the announcement wording, there were no comments or objections from any of the NIIF participating companies, including MCI, VarTec and all other IXC's, that the announcement wording was in any way "anti-competitive." MCI now announces for the first time that the announcement is anti-competitive and implies that the LECs somehow orchestrated industry consensus of such an announcement in order to "perpetuate their monopolies as long as possible." Nothing could be further from the actual events that occurred at the NIIF, except, perhaps, for MCI's characterization of NIIF consensus as industry "impasse."

Customers should be discouraged from accessing any telecommunications services using three-digit CICs after June 30, 1998, because the use of four-digit CICs becomes mandatory on July 1. The standard intercept message adopted by NIIF consensus, together with accompanying SITs simply informs the dialing public in a brief and accurate manner of the truth: after June 30, 1998, and as required by this Commission, their three-digit CIC calls can no longer be completed as dialed. MCI has not demonstrated beyond any vague allegation how this simple, helpful and truthful consumer disclosure, which MCI contends is somehow related to federally prescribed, albeit judicially invalidated, toll-dialing parity rules that apply to regional Bell operating companies only,¹⁵ is actually detrimental to the public interest.

¹⁵ The statutory basis for these rules is not 47 U.S.C. § 271(e)(1), as stated by MCI, but rather Section 271(e)(2)(A)-(B). Moreover, MCI selectively quotes from the statute to imply that RBOCs will not implement toll-dialing parity until February 9, 1999, neglecting to mention that RBOCs must implement dialing parity when they apply for authority to provide in-region, interLATA service, in single-LATA states or pursuant to certain state orders.

Both MCI and VarTec allege that customers will hear the familiar SIT and hang up before listening to the instructions that tell them about the new dialing pattern. Although MCI alludes to its own research, it does not bother to share its research with the Commission nor does it bother to share this research with the NIIF. The industry, on the other hand, has vast experience concerning the public utility of SITs because it has been using SITs as a standard part of recorded announcements for decades.

Telephone calls that are not completed as desired usually terminate in recorded announcements and/or call progress tones such as SITs. Automated call disposition devices need to recognize recorded announcements and tones for quality assessment and quality control uses. In addition, “smart”-type telephone equipment are able to recognize call progress tones in order to make decisions on how to handle the situation. On the other hand, automated detection devices are not able to distinguish a recorded voice from a live voice answer unless a machine-detectable signal, a SIT, is included with the recorded announcement. The International Telecommunications Union (ITU), formerly the International Telephone and Telegraph Consultative Committee (CCITT), which specifies signals that may be applied to international circuits, has defined SITs as acceptable call progress tones for identifying network-provided announcements such as the CIC announcement recently adopted by consensus through NIIF in response to the Commission’s directive.

The SITs that precede machine-generated announcements also alert the calling customer that a machine-generated announcement follows. Since SITs consist of a sequence of three precisely defined tones, SITs can be machine-detected and, therefore, recorded voice announcements preceded by SITs can be classified. Carriers must know what type of

announcement is returned in order to perform call disposition analysis. Using different tone frequencies, durations, and tolerances, SITs have been defined for ineffective attempt disposition categories receiving machine-generated announcements.¹⁶ When applied to intercept messages in accordance with ITU recommendation and standards, SITs are a viable method of detecting intercept messages. Moreover, without a SIT, a “smart” payphone may interpret a 3-digit CIC call as a completed call and not return a coin deposit to an end-user. Contrary to MCI’s ex parte comments, the ability to properly detect recorded intercept messages and to provide coin return on non-completed payphone calls that encounter the intercept message are good and valid reasons for SITs to be included in the standard intercept message agreed to by the NIIF.

BellSouth has reviewed the records of the NIIF dating from the time this issue was introduced and has found no record that the concern over using the SIT was even brought to the floor. NIIF participants from all industry segments can only respond to issues and concerns that are actually brought to the floor for discussion. MCI never voiced any concern over the use of SITs or the “anti-competitive” nature of the announcement at the NIIF, much less provide the NIIF with the results of its alleged internal SITs research. However, MCI does not hesitate to seek “appellate review” of an industry consensus position using information that they should have and could have shared with their colleagues in the NIIF. The Commission should not consider MCI’s unfounded request not only because it is not supported by fact or law and is

¹⁶ See, generally, Bellcore, *Technical Reference TR-TSY-000674* (providing technical details of SITs frequencies, tolerances, duration, etc.); *AT&T Compatibility Bulletin No. 154 (Specifications for Special Information Tones (SIT) for Encoding Recording Announcements)*; Bellcore, *Notes on the BOC IntraLATA Networks* (TR-NPL-000275).

contrary to the public interest, but because to do so would be to encourage MCI and other carriers to continue to erode the integrity of the consensus process.

It is somewhat ironic, but in retrospect not surprising, that MCI expressed concern to the Commission about the NIIF's inability to reach consensus on the announcement wording in its Comments to BellSouth's Petition for Clarification in this docket.¹⁷ MCI was the primary obstacle to being able to reach industry consensus on the standard intercept announcement wording at the NIIF, and MCI continues to prolong the transition process by interposing frivolous new objections to the Commission after consensus has been reached. BellSouth does not begrudge any carrier the right to seek relief from the Commission in the face of industry consensus. Here, however, MCI sandbagged the NIIF both in terms of its policy objection and its data regarding the desirability of the use of the standard intercept message and a corresponding SIT. The NIIF reached consensus, and now its constituents must spend their time and resources responding to a Public Notice arising out of an ex parte letter that raises, for the first time, issues that should have been brought before the NIIF in response to the FCC's initial request. Such procedure is inimical to the continued integrity and viability of the industry consensus process.

MCI apparently cannot take its own medicine. In reply comments filed in this proceeding last week, MCI wrote:

BellSouth contends that "it is inequitable that one carrier could have hundreds of CIC codes, acquired through mergers and acquisitions, and still be able to apply for up to six CIC codes,

¹⁷ MCI Comments at 3-5 (filed Dec. 4, 1997). MCI's attempt to leverage BellSouth's pending request for clarification into an argument that the permissive dialing period should be extended further is preposterous, because the same network implementation issue arises regardless of the actual date on which permissive dialing ends.

while other carriers could never obtain more than six codes.” BellSouth strongly advocated this view throughout the Ad Hoc Working Group efforts, and failed to convince industry of the need to count CICs acquired through mergers against the acquiring entity’s six-code limit. The Commission should follow the industry consensus and not be persuaded by BellSouth’s “minority opinion” to the NANC’s recommendation to upset the careful balance achieved by an almost unanimous NANC.¹⁸

Similarly, with respect to the standard intercept message, MCI advocated its present view regarding the announcement wording throughout the NIIF’s efforts, and “failed to convince industry of the need” to adopt its position. Accordingly, and in MCI’s own paraphrased words, “[t]he Commission should follow the industry consensus and not be persuaded by [MCI’s] ‘minority opinion’ to the [NIIF consensus] to upset the careful balance achieved by an almost unanimous [NIIF].”¹⁹

¹⁸ MCI Comments at 10-11 (April 3, 1998) (footnotes omitted).

¹⁹ *Id.*

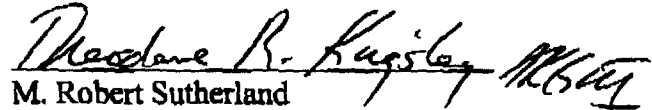
CONCLUSION

The requests of MCI and VarTec are unsupported by facts or in law and should be denied.

Respectfully submitted,

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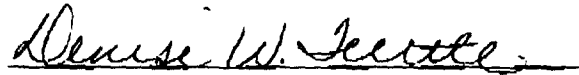
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CERTIFICATE OF SERVICE

I do hereby certify that I have this 10th day of April, 1998, served all parties to this action with a copy of the foregoing **COMMENTS** by placing a true and correct copy of same in the United States Mail, postage prepaid, addressed to the parties listed on the attached distribution list.


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